



Attorney Docket No. 55950 (45579)

#12
8-7-03
[Signature]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS C. Sundgreen, et al EXAMINER: C. Muirhei Delacroix
U.S.S.N.: 09/864,857 GROUP: 1614
FILED: May 23, 2001 Conf. No. 2048
FOR: Pharmaceutical Compositions Comprising Desglymidodrine as an Active Drug

JUL 31 2003

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By:

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Helen Murray Garbi

Sir/Madam:

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

Sir/Madame:

This paper is responsive to the Restriction and Election of Species Requirement mailed June 6, 2003.

THE RESTRICTION AND ELECTION OF SPECIES REQUIREMENT

The Examiner has restricted the claims into two groups:

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1. Group I including claims 125-132, 134-171 and 76-124, drawn to a method of treating a patient and pharmaceutical compositions; and
2. Group II including claims 133-171, 76-124, drawn to a method of treating septic shock or other conditions responsive to alpha1-receptor stimulation.

The Examiner asserts that the groups are patentably distinct because the methods require treatment of individuals having different disorders. The Examiner further asserts that the methods are drawn to a plurality of different types of diseases and requires an election of species as to methods of treating orthostatic hypotension, syncope, urinary incontinence, urinary stress incontinence, septic shock or conditions responsive to alpha1 receptor stimulation.

RESPONSE

Applicants elect Group I and a method of treating orthostatic hypotension with traverse. Applicants respectfully submit that examining all of the method claims would not pose undue burden on the Examiner as the methods all comprise the common step of administering identical compounds (i.e., those recited in the composition claims). Applicants respectfully request that the Examiner reconsider the restriction and election of species requirement, if not at this time, then upon finding the composition claims novel/nonobvious, as methods of using such compositions should similarly be novel and nonobvious.

CONCLUSION

Applicants submit that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with

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Response to Restriction Requirement and Election of Species Requirement

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Applicants' attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney of record.

Respectfully submitted,

Date: July 23, 2003

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